

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Tarak D. Mody
Serial Number: 10/659,499
Filing Date: September 10, 2003
Title: Novel Metallotexaphyrin Derivatives

Group Art Unit: 1624
Examiner: Paul V. Ward
CONFIRMATION NO: 3594

Certificate of Electronic Filing

I hereby certify that the attached Supplemental Information Disclosure Statement and all marked attachments are being deposited by Electronic Filing on August 30, 2006 by using the EFS - Web patent filing system and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Ann Lygas
Ann Lygas

Date: August 30, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicant hereby submits an Information Disclosure Statement along with attached form PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant respectfully requests that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant further requests that the Examiner initial and return the attached form PTO/SB/08 in accordance with MPEP §609.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
- ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;
-- OR --
- ☐ (3) It is being filed before the mailing of a first Office action on the merits;
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- ☐ a statement as specified in §1.97(e) provided concurrently herewith;
-- OR --
- ☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- i. a statement as specified in §1.97(e);
-- AND --
- ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. ☐ 37 CFR §1.97(e). Statement.

- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
-- AND/OR --
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);
-- AND/OR --
- ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E. ☐ *Statement Under 37 C.F.R. §1.704(d).* Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ *37 CFR §1.98(a)(2).* The content of the Information Disclosure Statement is as follows:

- ☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

- ☐ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☐ *37 CFR §1.98(a)(3).* The Information Disclosure Statement includes non-English patents and/or references.

- ☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

- ☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

- ☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

- ☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ *37 CFR §1.98(d).* Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

- ☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND

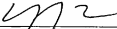
- ☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 25922-702.501).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: August 30, 2006

By: 
Michael J. Hostetler, Ph.D.
Reg. No. 47,664

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/659,499
				Filing Date	09/10/2003
				First Named Inventor	Tarak D. Mody
				Art Unit	1624
Examiner Name	Paul V. Ward				
Sheet	1	Of	1	Attorney Docket Number	25922-702.501

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² - Number ³ - Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Paragraphs or Relevant Figures Appear	T ⁵
	1.	WO-2002-39953 A2	23-05-2002	Pharmacyclics, Inc.		
	2.	WO-2002-17908 A1	07-03-2002	Pharmacyclics, Inc.		
	3.	WO-2002-039953 A3	23-05-2002	Pharmacyclics, Inc.		

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ⁴
	4.	BERNHARD, E.J. et al., "Re-Evaluating Gadolinium (III) Texaphyrin as a Radiosensitizing Agent," Cancer Res. 60:86-91 (2000)			
	5.	ROSENTHAL, D.I. et al., "A Phase I Single-Dose Trial of Gadolinium Texaphyrin (Gd-Tex), a Tumor Selective Radiation Sensitizer Detectable by Magnetic Resonance Imaging," Clinical Cancer Res. 5:739-745 (1999)			
	6.	SYNYTSYA, A. et al., "Interaction of metalloxaphyrins with mono- and polysaccharides," J. Chem. Soc., Perkin Trans. 2:1876-1884 (2000) + Abstract from CAPLUS			
	7.	VIALA, J. et al., "Phases IB and II Multidose Trial of Gadolinium Texaphyrin, a Radiation Sensitizer Detectable at MR Imaging: Preliminary Results in Brain Metastases," Radiology 212:755-759 (1999)			

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER. Initial of reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with most communication to applicant. *Applicant's unique citation designation number (optional). *See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Issue Office that issued the document, by the two-letter code (WIPO Standard ST 3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. *Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed applications form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 7.